

Appendix M

Ordinance 149-09

ORDINANCE NO. 149-09

AN ORDINANCE REVISING POLICY FOR TEMPORARY SERVICE FROM HYDRANTS BY AMENDING SECTION 3.25 OF ORDINANCE NO. 119-96, AS AMENDED

BE IT ORDAINED by the Board of Directors of the Scotts Valley Water District ("District"), Santa Cruz County, California, that:

SECTION 1. TEMPORARY SERVICE FROM A HYDRANT

Section 3.25 of the ordinance cited in the title shall be, and is hereby amended to read as follows:

"Section 3.25 – Temporary Service From a Hydrant¹

If temporary service is supplied through a hydrant, a bulk meter permit for the use of the hydrant for up to three months shall first be obtained from the District. Bulk meter permits will require the use of recycled water for construction and other purposes whenever possible. Use of recycled water under a bulk meter permit shall be subject to all District rules and regulations and pursuant to the terms and limitations of the District's recycled water distribution permit.

A deposit of \$2,000.00 will be required when the bulk meter permit is issued. The bulk meter permit may be renewed without additional deposit payment. The deposit is: \$1,000.00 for water usage and \$1,000.00 for the bulk meter. The \$1,000.00 meter deposit will be returned to the customer upon the return of the meter in good working condition, or less the cost of repair of the meter. The \$1,000.00 water usage deposit will be returned after the meter has been returned, less any outstanding balance of water charges. The customer shall read the meter once a month and provide this reading to the District along with a list of all locations where bulk water was delivered during the month and the amounts delivered to these locations. Whenever returning the meter or renewing a permit, the customer shall bring the meter to the District office for a District reading and at that time shall provide a comprehensive list indicating all locations where bulk water was delivered during the permit period and the amounts delivered to these locations.

Water consumption will be charged according the District's current rate schedules, prorated as necessary for monthly payment. Whether approved for recycled or potable supply, the customer will be charged the basic service charge for a three-inch potable meter, subject to a one-month minimum and proration after one month. All other District rules and regulations regarding time and calculation of payment shall apply.

Bulk water for construction or other non-emergency purposes may not be used outside the District. Except in emergencies, the customer shall notify the District in advance

¹ As amended on July 16, 2009, by Ordinance No. 149-09

of all locations where bulk water will be used. The bulk meter must be placed on the hydrant assigned by the District. Operating the valve of a hydrant other than by the use of a spanner wrench designed for that purpose is prohibited. A temporary tank or truck with appropriate backflow protection as determined by the District shall be used for all applications. The bulk permit may be canceled, the deposit forfeited, the meter removed by the District, and the permittee deemed ineligible for a new bulk meter permit for a period of up to one year if (a) the District finds any violation of the preceding conditions, (b) the District finds that the meter has been tampered with or used in such a way that flow volume is registered inaccurately, (c) the permittee fails to bring the bulk meter to the District office for a meter read or provide the required list of delivery sites and amounts within twenty days after the monthly payment due date, or (d) the permittee fails return the bulk meter or renew the permit within twenty days after the permit expiration date.

The newly amended Section 3.25 hereby replaces and supersedes the previous section of the same number:

~~“Section 3.25—Temporary Service From a Fire Hydrant²~~

~~If temporary service is supplied through a fire hydrant, a permit for the use of the hydrant shall first be obtained from the District. It shall be unlawful to operate the valve of any fire hydrant other than by the use of a spanner wrench designed for that purposes.~~

~~A deposit of \$1,500.00 will be required when the permit is issued. The deposit is:—\$1,000.00 for water usage, and \$500.00 for the water meter. The \$500.00 meter deposit will be returned to the customer upon the return of the meter in good working condition, or less the cost of repair of the meter. The \$1,000.00 water usage deposit will be returned after the meter has been returned, less outstanding balance of water consumption, less payments on the account. The meter must be placed on the fire hydrant assigned by the District. Direct application of water, for dust control, from a fire hydrant is prohibited. A temporary tank with a float valve or truck shall be used for application. The water must be used for the assigned project work being done within the District boundaries. If the District finds that the water is being used outside the District, or at a different fire hydrant location, the permit will be canceled and the meter shall be removed by the Water District staff. The deposit shall be returned as per this paragraph. The permittee will not be issued a new meter for a period of one year. The meter shall be read by the customer, once a month and reported to the Water District. The customer will be billed according to the usage, at the current consumption rate, and all other rules and regulations regarding time of payment shall apply.”~~

SECTION 2. MISCELLANEOUS

² As amended on October 9, 1997 by Ordinance No. 123-97.

SECTION 2.1 - Severability

If any section, subsection, paragraph, subparagraph, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such validity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance; and the Board declares that this ordinance and each section, subsection, paragraph, subparagraph, sentence, clause and phrases thereof would have been adopted irrespective of the fact that one or more of such section, subsection, paragraph, subparagraph, sentence, clause or phrase be declared invalid or unconstitutional.

SECTION 2.2 - Immediate Effect

This ordinance shall be in full force and effect forthwith upon adoption and shall be published once in full in a newspaper of general circulation, printed, published, and circulated in the District within fifteen (15) days after adoption and shall be posted within said time in three (3) public places within the District.

SECTION 2.3 - Violation A Misdemeanor: Punishment

After the publication or posting of this ordinance, it is a misdemeanor for any person to use or apply water received from the District contrary to or in violation of the restriction or prohibition, until the ordinance has been repealed or the emergency or threatened emergency has ceased, and, upon conviction thereof, that person shall be punished by imprisonment in the County jail for not more than thirty (30) days or by fine of not more than Six Hundred Dollars (\$600.00), or by both the fine and imprisonment.

PASSED AND ADOPTED this 16th day of July 2009 by the following vote:

AYES: Directors – Hodgins, Kassis, Miller, Perri
NOES: Directors –
ABSENT: Directors – Kannegaard

By: /s/ Chris Perri
Chris Perri
President, Board of Directors

ATTEST:

/s/ Deborah L. Hazen
Deborah L. Hazen
Secretary to the Board

I hereby certify that the foregoing Ordinance was duly passed and adopted by the Board of Directors of the Scotts Valley Water District, Santa Cruz County, California, at its regular meeting thereof held on the 16th day of July in the year 2009, by the following vote:

AYES: Directors – Hodgin, Kassis, Miller, Perri

NOES: Directors –

ABSENT: Directors – Kannegaard

By: /s/ Chris Perri

Chris Perri

President, Board of Directors

ATTEST:

/s/ Deborah L. Hazen

Deborah L. Hazen

Secretary to the Board